

REMARKS

Status of the Claims

Claims 1-37 and 51, the only claims pending, stand rejected as being based upon a defective reissue declaration under 35 U.S.C. 251. Claims 38-50 were previously cancelled. Claim 51 is objected to. Claim 51 has been amended to overcome the Examiner's objection by removing the word "paint" from the phrase "paint can cover." The sole purpose of this amendment is to reconcile and conform the wording of claim 51 with the claims from which it depends for proper antecedent basis. Thus no issue is raised as to the support in the specification for this change, however, the term "cover" for a can is indeed used throughout the specification.

Information Disclosure Statements

The information disclosure statement filed on January 13, 2003 was not considered since it lacked the fee set forth in 37 CFR 1.17(p) although deposit account information was included in the Information Disclosure Statement. Applicant encloses a check for \$180 and requests that the information be considered and that the Examiner initial and return the Form PTO-1449.

In addition, a supplemental information disclosure statement is submitted herewith to place in the file an alleged prior art reference supplied by an accused infringer, namely, Dedoes, Inc. after the final office action was issued. This submission is made under rule 1.97(i) without form 1449 as we have been unable to provide any identification, description or validation of the date of this reference, and thus no fee or is believed to be due in connection with this new supplemental IDS.

Reissue Oath/Declaration

A Reissue Application Declaration by the Inventor and a Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175) which address all deficiencies noted by the Examiner are enclosed. In particular, the Reissue Declaration states that the inventor is the sole inventor and that he has reviewed and understands the contents of the specification including the claims, as amended, and fully identifies by way of the attached form PTO/SB/O2B the foreign priority application.

Applicant : Michel Lesimple
Serial No. : 09/648,588
Filed : August 25, 2000
Page : 4 of 4

Attorney's Docket No.: 10767-003001 / 870-F 51299-
La/

Surrender of Patent

A Reissue Patent Application Statement as to Loss of Original Patent is enclosed.

Drawings

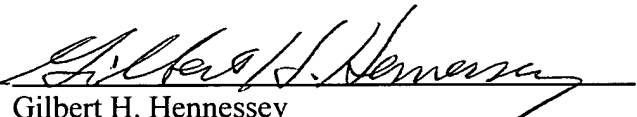
Five sheets of formal drawings are enclosed.

Enclosed is a \$465 check for the Petition for Extension of Time fee and a \$180 check for the fee set forth in 37 CFR 1.17(p). Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

9/12/03


Gilbert H. Hennessey
Reg. No. 25,759

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Applicant : Michel Lesimple
Serial No. : 09/648,588
Filed : August 25, 2000
Page : 5 of 5

Attorney's Docket No.: 10767-003001 / 870-F 51299-
La/

Version with markings to show changes made:

51. (twice amended) The system of any one of claims 15, 16 or 29 wherein the head is connected to a hollow shelf arranged above the [paint] can cover.